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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

144  
Docket No.  
ITL.0248US

In Re Application Of: James P. Ketrenos et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/466,113	December 17, 1999	Adnan M. Mirza	21906	2141	9791

Opposition: Distributed File System Including Multicast Retrieval

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COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated September 29, 2004 finally rejecting Claim(s) 1-24.

**NO FEE IS BELIEVED TO BE DUE :**

The fee for this Notice of Appeal is:

- A check in the amount of the fee is enclosed.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



Signature

Dated: November 19, 2004

Timothy N. Trop, Reg. No. 28,994  
Trop, Pruner & Hu, P.C.  
8554 Katy Freeway, Suite 100  
Houston, Texas 77024  
(713) 468-8880  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on November 19, 2004

(Date) 02/24/2005 MAILING 80000002 21594

*Cynthia L. Hayden*  
Signature of Person Mailing Correspondence

Cynthia L. Hayden

Typed or Printed Name of Person Mailing Correspondence

89466113

P13LARGE/REV07/04

cc:

Adjustment date: 06/01/2005 SDIRETA1  
02/24/2005 DSMALLS 00000002 201504 09466113  
01 FC:1401 340.00 CR



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2141

In re Applicant:  
James P. Ketrenos et al.  
Serial No.: 09/466,113  
Filed: December 17, 1999  
For: Distributed File System  
Including Multicast Retrieval

§ Art Unit: 2141  
§  
§ Examiner: Adnan Mirza  
§  
§ Atty Docket: ITL.0248US  
§ P7373

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

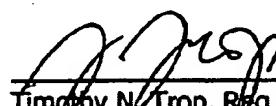
INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant submits the references listed on the attached form PTO 1449, copies of which are enclosed. A copy of a communication dated October 17, 2003 from a foreign patent office in a counterpart application is also enclosed. I, the undersigned, hereby certify that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Please apply any charges or credits to Deposit Account No. 20-  
21504 (ITL.0248US). 09466113

1 FC:1806 180.00 DA

Respectfully submitted,

  
\_\_\_\_\_  
Timothy N. Trop, Reg. No. 28,994  
Trop, Pruner & Hu, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880  
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October 22, 2003

Date

Adjustment date: 06/01/2005 SDIRETA1  
02/22/2005 PBRITTON 0000001 201504 09466113  
01 FC:1806 180.00 CR

Customer No.

**21906**

Date of Deposit: October 22, 2003  
I hereby certify under 37 CFR 1.8(a) that this correspondence is  
being deposited with the United States Postal Service as first  
class mail with sufficient postage on the date indicated above  
and is addressed to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Monica Jacobs

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James P. Ketrenos et al. § Group Art Unit: 2141  
Serial No.: 09/466,113 §  
Filed: December 17, 1999 § Examiner: Adnan Mirza  
For: Distributed File System Including § Atty. Dkt. No.: ITL.0248US  
Multicast Retrieval §

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

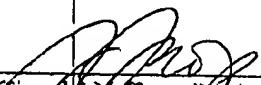
A "Notice of Appeal" was filed on November 19, 2004 and an "Appeal Brief" was filed on January 11, 2005. A fee of \$340 for filing a Notice of Appeal and \$500 for filing an Appeal Brief was charged to our Deposit Account on February 24, 2005. Pursuant to M.P.E.P. §1208.02, there is no fee due for this Appeal, because the Examiner reopened prosecution after filing of the first Appeal Brief on June 5, 2003, these amounts should be refunded.

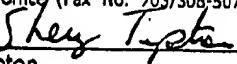
Also, an "Information Disclosure Statement" was filed on February 25, 2004. A fee of \$180.00 for submission of an Information Disclosure Statement was charged to our Deposit Account on February 22, 2005. Since each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement, no fee should have been charged and this amount should be refunded.

Thus, please make a refund, in the amount of \$1,020.00, to Deposit Account No. 20-1504 (Ref. No.: ITL.0248US).

Respectfully submitted,

Date: 4/11/05

  
Timothy N. Trop, Registration No. 28,994  
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Date of Deposit:	<u>4/11/05</u>
I certify that this document and authorization to credit deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703/308-5077) on the date indicated above.	
 Sherry Tipton	

**BEST AVAILABLE COPY**